IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO.6092 OF 2003

Prabhakar Mukund Chavan & Anr. ... Petitioners

V/s.

Poona Municipal Corporation & Ors. ... Respondents

Mrs.Kiran Bagalia with Ms.Lalita Panchakshari for Petitioners

Mr.R.M. Pethe with Mr.R.G. Ketkar for Respondent Nos.1 and 2

Mrs.S.S. Deshpande for Respondent No.3

CORAM: **H.L. GOKHALE &**
SMT.NISHITA MHATRE, JJ.

DATED: **SEPTEMBER 20, 2004**

P.C.:

. Heard Mrs.Bagalia for the Petitioners. Mr.Pethe appears with Mr.Ketkar for Respondent Nos.1 and 2 and Mrs.Deshpande appears for Respondent No.3. After the matter was heard on the last date, Mr.Pethe appearing with Mr.Ketkar has tendered a letter sent to the Commissioner by the power of attorney holder of the Petitioners. This letter dated 13.10.2003 states in paragraph 4 and then in paragraph 5(4) that the respondent-Corporation shall pay to the Petitioner compensation at the rate stipulated in the Government Ready Reckoner for acquisition of the strip of land from the land belonging to the Petitioners. That payment

will be made at the time when the petitioners hand over vacant and peaceful possession of this strip. This is repeated in paragraph 5(4) also. A map is also enclosed to this proposal sent by the Petitioners whereunder it is shown that a 6 meter road will be on one side of this property. Mr.Pethe states that this proposal was accepted by the Municipal Corporation and, therefore, a decision was arrived at on 21.5.2004 which was tendered on the last date.

2. In view of this understanding arrived at between the parties, there is nothing further to be done in the petition. Respondent Nos.1 and 2 will arrange to pay the Petitioners the compensation for this particular strip of land and thereafter on payment of compensation, possession of the strip on one side of the property will be handed over to Respondent Nos.1 and 2. This takes care of the grievance made in the Petition.

3. Petition stands disposed of accordingly.

(H.L. Gokhale, J.)

(Nishita Mhatre, J.)